

## **FACT SHEET**

### **EPA EXTENDS THE DEADLINE FOR ACTION ON SECTION 126 PETITION FROM NORTH CAROLINA**

#### **ACTION**

- On May 18, 2004, the Environmental Protection Agency (EPA) is extending by 6 months the deadline for final action on a clean air petition from North Carolina filed under section 126 of the Clean Air Act.
- The petition requests that EPA make a finding that emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) from large electric generating units in 13 states are contributing significantly to fine particulate matter and/or 8-hour ozone nonattainment and maintenance problems in North Carolina. The affected states are: Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.
- EPA will use the additional time to gather public input on the section 126 petition, which has significant implications for North Carolina, as well as citizens and the regulated community in upwind states. EPA will take this information into consideration and evaluate North Carolina's petition very carefully. Following this review, EPA will propose action on the petition and provide an opportunity for public comment before issuing a final response. If EPA grants the petition, EPA would establish Federal emissions limits for the selected electric generating units in the affected states.
- EPA received the petition on March 19, 2004. Under section 126, EPA must take action to grant or deny the petition within 60 days of receipt. However, a separate provision of the Clean Air Act allows EPA to extend the deadline for action by up to 6 months if the Agency determines that additional time is needed for the rulemaking process.
- In this action, EPA is announcing its determination that the 60-day period is not sufficient for EPA to develop an adequate proposal on whether the sources identified in the section 126 petition contribute significantly to nonattainment problems downwind. In addition, the 60-day period does not allow sufficient time for public input into the promulgation of any controls to mitigate or eliminate those contributions.

#### **BACKGROUND & CHRONOLOGY**

- Section 126 is designed to remedy interstate pollution transport. Section 126(b) authorizes states to petition EPA for a finding that major stationary sources or groups of

sources in upwind states are contributing significantly to nonattainment problems in downwind states. If EPA makes such a finding, any existing affected sources must cease to operate within 3 months unless they comply with control requirements and compliance schedules that EPA would establish. The compliance date can be no later than 3 years from when EPA makes the finding.

- Today's section 126 action is procedural and is set in the context of the Clean Air Interstate Rule – a separate action that EPA is taking to address the problem of interstate transport of fine particulate matter and 8-hour ozone and their precursors in the eastern half of the United States.
- On January 30, 2004, EPA proposed the “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule),” now known as the Clean Air Interstate Rule. This action proposes to require 29 States and the District of Columbia to reduce SO<sub>2</sub> and/or nitrogen oxides NO<sub>x</sub> emissions that are contributing significantly to fine particulate matter and 8-hour ozone nonattainment problems in downwind States.
- North Carolina's section 126 petition is seeking reductions from the same types of sources and pollutants as proposed in EPA's Clean Air Interstate Rule. North Carolina's petition relies, in part, on EPA's findings and analyses supporting the Clean Air Interstate Rule proposal.

#### **FOR MORE INFORMATION**

- To download the text of the rule, go to EPA's World Wide Web site at the following addresses: <http://www.epa.gov/airlinks/airlinks1.html> .
- For general information on this action, contact Carla Oldham of EPA's Office of Air Quality Planning and Standards at (919) 541-3347.